

1 The opinion in support of the decision being  
2 entered today is not binding precedent of the board.

Paper 24

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5 Filed by:

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Filed 26 April 2006

13  
14 UNITED STATES PATENT AND TRADEMARK OFFICE

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16  
17 BEFORE THE BOARD OF PATENT APPEALS  
18 AND INTERFERENCES  
19 (Senior Administrative Patent Judge McKelvey)

20  
21  
22 ARTHUR A. BRANSTROM, DONATA R. SIZEMORE  
23 and JERALD C. SADOFF,

24  
25 Junior Party  
26 (Application 09/512,810),

27  
28 v.

29  
30 ROBERT J. POWELL, GEORGE K. LEWIS  
31 and DAVID M. HONE,

32  
33 Senior Party  
34 (Patent 5,877,159).

35  
36  
37 Patent Interference 105,428 (McK)  
38 Technology Center 1600

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40  
41 Before: McKELVEY, Senior Administrative Patent Judge, and MEDLEY  
42 and MOORE, Administrative Patent Judges.

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45 McKELVEY, Senior Administrative Patent Judge.

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48 FINAL JUDGMENT

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50 Upon consideration of BRANSTROM'S NOTICE OF NO RESPONSE TO  
51 SHOW CAUSE ORDER (Paper 21), it is

1           ORDERED that judgment on priority as to Count 1 and  
2   Count 2, the only counts in the interference, is awarded  
3   against junior party ARTHUR A. BRANSTROM, DONATA R. SIZEMORE and  
4   JERALD C. SADOFF.

5           FURTHER ORDERED that junior party ARTHUR A. BRANSTROM,  
6   DONATA R. SIZEMORE and JERALD C. SADOFF is not entitled to a  
7   patent containing claims 45-52 (corresponding to Count 1) of  
8   application 09/512,810.

9           FURTHER ORDERED that junior party ARTHUR A. BRANSTROM,  
10   DONATA R. SIZEMORE and JERALD C. SADOFF is not entitled to a  
11   patent containing claims 53-59 (corresponding to Count 2) of  
12   application 09/512,810.

13           FURTHER ORDERED that a copy of this paper shall be made  
14   of record in files of application 09/512,810 and U.S. Patent  
15   5,877,159.

16           FURTHER ORDERED that if there is a settlement  
17   agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR  
18   § 1.661.

19  
20           /ss/ Fred E. McKelvey           )  
21           FRED E. McKELVEY, Senior        )  
22           Administrative Patent Judge      )

23           )  
24           )  
25           /ss/ Sally C. Medley           )  
26           SALLY C. MEDLEY                 )  
27           Administrative Patent Judge      )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

28           )  
29           )  
30           /ss/ James T. Moore           )  
31           JAMES T. MOORE                   )  
32           Administrative Patent Judge      )

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5 (real party in interest  
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7 as represented by the  
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